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TO : DEPARTMENT OF STATE

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FROM : AMEMBASSY, ROME

DATE: June 9, 1967

SUBJECT : CIVAIR: Ninth Session of US-Italian Civil Air Negotiations in Rome, May 25, 10:45

REF : Rome's A-1130

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Attached as Enclosure 1 to this airgram is the Embassy's informal record of the ninth session of the resumed US-Italian Civil Air Negotiations in Rome, May 25. Included as Appendix I is United States Document No. 6.

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Drafted by: ECON:PGNarten/ad

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Enclosure 1
From: Rome
A-1139

NINTH SESSION, MAY 25, 10:45 AM

Absent: General Santini, Mr. Rodriguez

****

Mr. Loy: Mr. Ambassador, Gentlemen. Yesterday you delivered to the US Delegation a document which you indicated you thought was a "compromise document", and which incorporates concepts that you said - and clearly correctly - are intended to bring our positions closer. As you know, our response was somewhat mixed, because we felt the document in one respect did bring us closer, but in others farther apart. The net effect of the two moves in opposite directions was not as helpful as it was perhaps intended to be.

We, in accordance with our statements yesterday, would like to present today the substance of our new proposed route exchange. I suspect, quite frankly, that at least your initial reaction may be or will be somewhat similar to our reaction yesterday, because very clearly this does not do all that you would want it to do.

When you came to this stage of our talks and you hand over the table a document you know will not be received as totally satisfactory by the other side, I think you have to think through with yourself and make a few comments as to why that is so. I'd like to make a few comments along that line.

I think, quite frankly, the reason we believe that the document we give today should - if we are all to be honest with ourselves - should be a satisfactory document on which to base an agreement between us - the way we feel stems from the way we see the difficulties the Italian Government saw in the present agreement that caused it to denounce, and also because of the way we see our own limitations of action.

For the past several weeks we have bandied about points here and points there; we have talked about quite a number of points in the US, and about routes south via the US. I think quite honestly that it is only fair to say that what started in our opinion our procedures here - your denunciation - was caused by two very strong feelings: 1) that the commercial opportunities of the Italian carrier were not large enough and that it was at a disadvantage when compared with the US carriers; 2) that in regard to our doctrine and our attitude about the composition of traffic in third, fourth, and fifth freedoms (that we could not see how Italy could justify any beyond the US) you took the position that it was simply not possible for you to live with a situation in which we enjoy rights beyond Italy while you could not go beyond the US; that that caused you a serious political problem; and that was certainly at the very root of your difficulties.

I am unhappy to say that there have been times during these discussions when the atmosphere has been such that there has been some question about the goodwill and sincerity of the parties concerned - certainly including uncertainty about our position. I want to say clearly that we really believe that as a government

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we have taken a very responsible step to meet both of these concerns of the Italian Government when we made our route proposal May 17. And our disappointment and anger - it was both - at the reception it received was due to our belief that either inadvertently or otherwise that was not realized or understood. Now, since that time you have indicated to us several things, one being that while perhaps all of the rights you requested that were excluded from the May 17 offer were not critical, some of them were, and especially the route to Atlanta and beyond to Mexico.

That caused us some great concern because, in spite of what you said, we did not really -- and we do not -- understand why that should be so. And we have no way within our framework of operations to accommodate that request, and it is not included in the document I am giving you this morning. This was not done lightly, because we listened with some care to what you said. Still, you can talk about a community of interests, but we don't think that is an argument for operating via the US to Mexico. You can talk about numbers of beyonds, but in our opinion - when all is said and done - the test of whether an agreement is fair cannot be measured by those numbers. It must be measured by the test with which all commercial agreements are measured: that is, dollars, money.

And so I reiterate sadly, but after rather intensive reexamination, that neither our instructions nor our whole approach has in it room for addition of the routes that were requested in essence in your presentation yesterday. And I am aware that in some respects that may be disappointing - must be - we haven't gone this far without being able to assume what your reactions will be. But if you focus on the question, "What was the route exchange before negotiation and what would it be after?", based on the proposal I gave you, it seems to me that by any test, the balance of benefits has been totally turned around and any arbitrary addition to that imbalance is just something we can't handle.

I would like to turn to a couple of other aspects of what we propose: first, you presented us with a paper designated clearly: "for mixed services only". We are obviously prepared to listen to any comments you have, but I have to say we feel pretty strongly that that is a distinction that does not make an awful lot of sense in the promotion and expansion of air services.

We have thought about what you have said in the context of whether we can reduce the scope of our proposals - our proposals for US routes - in some way that would be helpful to Italy. While our ability to move in that direction is limited, we have taken the step of designating three of the points in Italy we propose to serve as being limited to traffic rights for cargo and mail, however carried. Second, you have indicated your concern with the breadth and scope of our rights beyond Rome. You have focussed on two particular beyond routes, Australia and Africa, but you have also said that aside from these, the wealth and multiplicity of our routes is troublesome to you. I think we have better understood your objections to Australia and Africa than to the other proposition, but we have tried in today's effort to deal with both.

We have dropped a total of ten points from our proposed routes beyond Rome. Now

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I won't say that all those represent great sacrifices, and I don't think I have ever suggested that all are of equal importance, or so far that matter, that all would be served within the next 10 to 20 years. So, some we would have to consider as modifications that probably do not hurt us very much except in principle. Some are somewhat more painful because we see possibilities in them, but we also recognize that they might contain certain special problems for you: for example, Yugoslavia and Libya.

Two points, however, that we have left out in the document we are preparing to give to you, are matters of the greatest substance and are in the category of "does hurt" rather than "doesn't hurt": The points of Southern Rhodesia and South Africa, which we have eliminated from our route schedule. The US has enormous economic relations with South Africa, in spite of all the difficulties that exist and are well known to us all. There is a substantial flow of traffic between the US and South Africa, and South Africa is a tough place to get to. It has been our intent and hope to be able to serve it through Italy.

We have analyzed the routes of Alitalia into Africa, and it is quite clear from that analysis that both in number of frequencies and overall structure, South Africa is the key to Alitalia's operation there. It is our hope that by this elimination we have met your test - which we view as a purely commercial test - of not disrupting Italian operations through Africa. We have done that - that is we have dropped that - in order to be responsive to that view, in spite of the fact that it widens the value gap we believe exists under the proposed route schedule.

I'd like to say a third thing about the US routes. This is not in writing in the document before you. You have indicated that one of the difficulties you have is, for reasons not totally clear, that it would be difficult for Alitalia to take advantage of the route grants we propose for one or two years in addition to the usual year you would expect. We have said we don't really think that in the scheme of things we can take that into account in figuring what is fair or unfair, balanced or unbalanced. We, of course, are somewhat in that position with respect to new routes as well, and we would be prepared to say that those beyond routes you have indicated are troublesome - specifically the route to Australia and the truncated African operation - we would be prepared to defer our operation of these for a reasonable period, equivalent to the deferral for your trans-Pacific operations. I don't again think that is the key to unlock our problems. But it could have some important commercial considerations because it would permit the Italian carrier to establish itself even more soundly in those markets. If that is useful, we would be prepared to consider it.

I think, Mr.Ambassador, that is about all I can say about our proposed document, US Document No. 6 which I would like to give you now. Except to say we present this after a great deal of thought about what is possible for us, what is fair or unfair, and we believe that it both commercially and politically is a proposal that should be acceptable to both our Governments. (US Document No. 6 distributed. It is attached as Appendix I.)

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Ambassador Capomazza: We need a recess and especially we need a drink.

(25 minute recess of delegations separately)

Ambassador Capomazza: Gentlemen. Your Assistant Secretary has already foreseen which was going to be our reaction. He was perfectly right, but he has great experience and could not expect a very positive reaction. I am afraid our negotiations are in great danger. I am not going to discuss your document point by point. First of all because I think it is totally unnecessary. We have said so many things over the past few weeks, and when, among intelligent people you have to say day after day the same things, it gets tiresome. You can imagine what I would say. We are not disappointed - we are practically offended, I repeat offended. We consider that you are using Italy as a guinea pig for your aviation policy which is practically a bankrupt policy, and you expect us to go along with it. I trust this is because we are good friends. But perhaps because we are friends that we must be more intransigent because we have duties to make ourselves understood to each other.

It is not only the substance of your proposal, but your method that is totally offensive. You said yesterday perhaps it was our fault because we have started with an unreasonable, bizarre request. No, we have been responsible in these negotiations. We have some claims that we have thought just; we denounced the treaty because of this; but not only for the substance are we offended but for the method. The method of not being able to arrive at any concrete solution no matter how hard we try. This is the sort of system that always confronts us. This is the psychological background.

At this stage, on May 25, neither the substance nor the method has changed. The proposal we presented the other day we thought was, and is, fair. It contains an alternate proposal, and you have now demonstrated how wise it was that we put in the alternative proposal.

At this stage we don't see any usefulness in discussing in detail this route schedule. Perhaps we had better adjourn and you seek instructions from Washington. We insist that our proposal be submitted. We can meet again on Monday afternoon. This will give you time to think and to get an answer from your Government. Otherwise, I am not prophet but I don't see with great optimism the future of air transportation between the two countries. Thank you very much for listening to me.

Mr. Loy: Mr. Ambassador, I personally don't think, and perhaps I speak for the delegation = that I find that is a satisfactory way to leave the situation today. We shall, of course, and indeed we have already transmitted back to Washington your proposal of yesterday afternoon. But transmission should not be confused with a solution. We have made a serious proposal. We know of certain parts that are, either by omission or presence, not what you wanted to see. But with the exception of that, we don't even know what you find right or wrong about our proposal and it seems we are entitled to that. If that involves repetition, that is just the price we have to pay for the job we have.

So I'd say we are entitled to have your comments on our proposal of today.

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If it is critical or negative so be it; but I'd like to know in what way it affects you.

Ambassador Capomazza: Is it possible that after four months of negotiations that is not understood? Why, when you know exactly.....

Mr. Loy: I don't!

Ambassador Capomazza: I thought you were more acute. In fact you said you knew what my reaction would be when you made your presentation, so why take up again all the points - the lack of beyonds - do you want to go back there? I am not going to accept a third degree negotiation. We are friends, and being friends we have duties toward each other.

Mr. Loy: You have indicated.....

Ambassador Capomazza: I don't get mad when I am negotiating with the Russians. With you I have the right to get mad.

Mr. Loy: You have indicated that you wanted a route from Italy via intermediates to various parts of the US. Sometimes France appears on your routes and sometimes it doesn't.

Ambassador Capomazza: Three times we have put France in and three times you have taken it out. Let us stop this game of running around. Four times it has been in, four times it has been out, why don't you put it back? This is ridiculous. That is just one example.

Mr. Loy: May I point out that on May 3 you gave a route Boston-Chicago without France, we.....

Ambassador Capomazza: We said we have the right to serve Paris and we intend to keep that right.

Mr. Loy: You mentioned across the table the letter you wrote me, and while I am not anxious to discuss it, I think that in our discussion of Boston and Chicago you did not include France. I'll admit there is some confusion though it is not entirely of our making, but I am not sure this is relevant.

I might also say that a good deal of our references and our seeming to go backward comes from your off-again, on-again insistence on columnar structure that came up again yesterday. Some time ago, you said the reason was to make sure that specific points were excluded from our routes. It seems to me that whether they can be excluded or not is one question, but to thereafter return to that is in my view just not a very helpful step, and is certainly partly responsible for the repetitive discussions we have certainly had, and for our unclarity - for example on the question of beyonds I was just raising.

Now we have appended to the route schedule for Italy a note which deals with the

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question of both intermediates on routes one and two and beyonds on route 3 and it seems to me that regardless of what you think about the documents, if you don't chose to respond to and take up the proposition of that note, that is not a helpful step. That is intended to permit Italy to structure three routes that I think Italy wants. It is quite true a route is missing - we are not blind - and you certainly have every right to reserve your position on that. But I think my feeling is the constructive thing would be at least to agree to three of the routes Italy does want. That was my suggestion.

Ambassador Capomazza: You see, this is a negotiation. To have a negotiation you have to have a basis in common. One can start discussing little points but what is the use? I say we want France. You say all right. But in the route schedule there is substance that we have to agree on before we talk about that column or that other column. I'd rather be out drinking or riding; this way doesn't advance negotiations or the friendship of the two countries. We will meet Monday and hope you will have something else to say.

Mr. Loy: I certainly agree there are better ways to spend our time. But if we cannot resolve the differences between us, we must either narrow them or at least precisely define them. Maybe because I am somewhat optimistic I am not prepared to totally drop the hope that we can eventually resolve them, But even if we can't, I would like to be able to say: "This is all right, and this is not; on this we can agree, on this we can't." We can say that we have agreed on three routes but they won't sign unless there is a fourth route such and such. While this is not an exciting pastime, it is not a waste of time. Right now I can say the second part about your not signing without such and such, but I don't know whether I can say the first part: that there are three routes we have agreed on.

Ambassador Capomazza: We will get to that when we get to the agreed minute of our disagreement. The important thing will not be the intermediate point of Paris. I repeat what I have said already; we have our proposal on the table which is not only reasonable but does present an alternative that is not tactical but responsible. If there is no way to resolve the basic points, if we are so totally out of agreement, there is no point in wasting time on side issues. Besides resenting the substance we resent the method. Please submit our proposal to the Government. We shall see each other after you have meditated. You will find in the record all our reasons why we are dissatisfied with this proposal.

You said you did not want to make an agreement less favorable for your country. I suppose we should make one less favorable to ours! The one we have now was made in 1948; it cannot be transformed into a present agreement. So there is an element of difficulty in the very unequal positions. If you don't want to admit it and want to make Italy the guinea pig for your air policy, then the negotiation has failed; that is all.

Mr. Loy: Well, maybe we are a little dense. But I am mystified by what you mean. First when you talk about the absence of a basis of agreement and second you resent

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the method. Maybe I should understand that but I don't. I'd be enlightened if you would tell me what you mean.

Ambassador Capomazza: Its no use, really.

Mr. Loy: I have to say that until today I had assumed you, as well as we, were trying to reach an agreement. It is difficult to read your response today as being in that direction. It makes it difficult to go on. We can certainly meet Monday afternoon as you say, but I don't know what that would accomplish. And I certainly would have some difficulty in explaining something about your desires. Some things I know quite well: you want a route through Atlanta to Mexico and you want us to take out Australia and East Africa. I know both of these well, they have been made clear. When you go beyond that I get a little fuzzy. Do I read you as saying those are the points that make you so upset that it is not worthwhile to go on? Or what is it? You don't have to repeat your interest in these points, but the rest is not so clear. Maybe it would be better if we understood you now than on Monday.

Ambassador Capomazza: If we had not been discussing this for four months I would discuss it point by point. It is up to you to decide whether you can meet us. If you think you can't come to meet us what is the use of repeating what you know so well?

Mr. Loy: I don't know all these things so well.

Ambassador Capomazza: We have to serve the Far East through Tokyo.

Mr. Loy: That is exactly what you propose.

Ambassador Capomazza: But any intermediate point can be dropped.

Mr. Loy: That is not right. The way you proposed the route you could not have dropped Japan. That has been there from the first day. That is the route you have been talking about.

Ambassador Capomazza: What happened to Dallas?

Mr. Loy: I understand that it is not there and you don't like it. You have any comments on what is there?

Ambassador Capomazza: The package as it is presented is absolutely unsatisfactory. It is written in such a way that it is completely unacceptable. You don't give any importance to the point that if we are going to accept Bermuda, we must have a good route schedule. The package goes together. If one thing fails, the other fails. Let us agree on the substance. I am open-minded enough not to stop on details.

Mr. Loy: The substance is routes, and we don't consider the structure of routes as details when that is what we have been talking about. Now, can you tell me whether, except for Africa and Australia, if the US route schedule is acceptable or not, and if not, why not?

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Ambassador Capomazza: It is a package deal. We have said all along we could not accept Africa and Australia. All the rest is very unpalatable; there is almost more than the general beyond we had before. If we don't reach a good route schedule we will predetermine capacity. If you can't do that, all right: we don't fly.

Mr. Loy: We don't seem to be doing so well. Let us try another approach. You said you are unhappy because missing from the route schedule for Italy is the route from Italy to Atlanta and Dallas and beyond Atlanta to Mexico. We have said we can't include that. Now, are there circumstances under which you can make an agreement which would exclude that route from your route schedule -and if so, what are those circumstances?

Ambassador Capomazza: Yes, there is one circumstance, we are ready to drop that and many others for a 3/4 freedom agreement. This would make an agreement that will photograph the situation in which we are unable to agree on beyonds but we resolve 3/4 freedom instead. Otherwise, the route schedule stands as it is. You must also know we have been waiting seven years to go to Mexico. Even flying the route under the Mexican flag. For a long time Dallas has been requesting Alitalia to fly there. Politicians of Dallas and Atlanta are willing, in fact, desperate to see the Italian flag flying there.

Mr. Loy: Mr. Ambassador: I assure you I am not conducting an interrogation, but I am trying to clarify a remarkable number of things that are not clear to me. May I ask again, what you mean by #resent the method?"

Ambassador Capomazza: I mean we should discuss about substance; all the rest is not necessary. This has absolutely relevance to substance. I will not talk about this across the table but perhpas I would be willing to discuss with you privately what I mean by resenting the method.

Mr. Loy: Still on substance, can you tell me anything more than you have about the adequacy or inadequacy of the route schedule proposed for Italy in this document. You have mentioned about Atlanta and beyond and stated yuu wanted to add France, although I am still not sure where, perhaps on the route to New York or maybe to both. Is there anything else you want to say?

Ambassador Capomazza: Yes, I have two things, to finish a painful meeting. First, you have presented your route schedule in such a way that you have very large flexibility and a choice of points beyond Rome, so that not only would you get them but also the freedom to structure them any way you want. But everything in life has a price. Catherine the Great once said the price of her virtue was Constantinople. What you offer us is too miserable to allow us to grant you all these beyonds.

Second is a problem that I have been avoiding discussing. That is capacity. That too has a price. It is a very unpalatable pill. If we have to swallow it, we must have routes. This is our minimum price. If you can't give it, let us

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remain friends but resort to a 3/4 freedom agreement.

When you talk about all you are giving up, all that is history, but you forget we have been waiting for Los Angeles since 1960, and for beyond New York since the same time. We did not want all the beyonds on one side and nothing on the other. We wanted you to recognize Italy's sovereign right. All this has a price. If you want to get reaffirmation of your policy, be big businessmen: pay the price. Otherwise we will not conclude an agreement. You must understand this. Counting dollars one by one is perhpas bad business. Countries in the position of the US must have other views. You can't have it both ways. What you have proposed is presentationally insufficient and I cannot accept it.

Our requirements are not negotiable. The columns are negotiable and other things, but not our requirements in the US. We have reached the point when we can't restructure our routes further.

Mr. Loy: That is so regardless of what we do on our side?

Ambassador Capomazza: That comes to what I resent. I would like to see it in black on white. Today I see very little black on all this white. Tomorrow morning you could come and make a speech and then present me with another flop like this; by these flops we are not going to make an agreement, no matter what you think.

Mr. Loy: Well, I don't know, maybe that is as much as we can accomplish today. Mr. Ambassador, we will think about what you have said, and if it seems that there is a basis for another meeting, we can schedule it.

Ambassador Capomazza: Then I suggest Monday at five, or let us make it 4:30 to have time to accept the kind invitation of Mr. and Mrs. Narten. It depends on what you eventually have to say. The meeting could be short or long. I sincerely hope that all of us around will examine our consciences, and our responsibilities will have to stand out.

Mr. Loy: I am reluctant to leave you with the impression that a) there is something magic about Monday.....

Ambassador Capomazza: Dear Frank, I know that with you there is never any magic, I am always prepared for the worse.

Mr. Loy:.....Or b) that perhaps there is no usefulness in our talking earlier. I am not prepared now to propose a particular time for an earlier meeting.

Ambassador Capomazza: I meant by "earlier" that we might have our meeting earlier on Monday than five o'clock in order to have time to go to a cocktail party.

Mr. Loy: We'll certainly be able to be here at 4:30 or 5:00 but what we will be able to accomplish I don't know.

Ambassador Capomazza: The reason why I say Monday, rather than Saturday or Sunday,

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is that I feel the situation should be reported to the State Department just as I will report to my Minister and superiors here, and I think you should have time to think about it. We are nearing the point at which we will have to acknowledge the failure of the negotiations and they should have previous warning.

Mr. Loy: I also have to add that we have made a proposal today that has been termed insufficient, and that insufficiency is in part clear, and in part I have been unable to determine. Maybe I ought to leave it at that.

Ambassador Capomazza: All right. 4:30 Monday then.

Enclosure: as stated

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Appendix I
From: Rome
Enclosure 1
A-1139

UNITED STATES DOCUMENT NO. 6 - May 25, 1967

ROUTE SCHEDULE FOR THE UNITED STATES

An airline or airlines designated by the Government of the United States of America shall be entitled to operate air services on the routes specified, in both directions, and to make scheduled landings in Italy at the points specified below:

From the United States via intermediate points in Ireland, United Kingdom, Germany, France, Switzerland, Portugal and Spain to

(A) Milan, Turin*, Naples*, Pisa* and Rome;

(B) Rome and beyond

(1) via intermediate points in Greece, United Arab Republic, Turkey, Israel, Lebanon, Saudi Arabia, Iraq, Iran, Pakistan, India, Ceylon, Burma, Thailand, Territory formerly comprising Indochina, Malaysia, Singapore and beyond via:

(a) The Philippines, Mainland of China, Hong Kong, Taiwan, and Japan to the United States.

(b) Indonesia, New Caledonia, Australia, New Zealand, and intermediate points in the Pacific to the United States.

(2) To Greece, United Arab Republic, Sudan, Ethiopia, Uganda, Kenya, and Tanzania.

Points on any of the specified routes may at the option of the designated airline or airlines be omitted on any or all flights.

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*Traffic rights at points so marked are for cargo and mail traffic only, whether carried separately or in combination with passenger traffic.

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ROUTE SCHEDULE FOR ITALY

An airline or airlines designated by the Government of Italy shall be entitled to operate air services on the routes specified, in both directions, and to make scheduled landings in the United States of America at the points specified below:

1. From Italy via intermediate points in the United Kingdom and Portugal to New York.

2. From Italy to Boston and Chicago.

3. From Italy via the intermediate point Montreal to Los Angeles and beyond to Japan and beyond Japan to Hong Kong, points in the territory formerly comprising Indochina, Thailand, Burma, Ceylon, India, Pakistan, Afghanistan, Iran, Iraq, Turkey, Syria, Lebanon, Cyprus, Israel, United Arab Republic, Bulgaria, Rumania, Greece, Yugoslavia, and Albania to Italy.

Points on any of the specified routes may at the option of the designated airline or airlines be omitted on any or all flights except that on route 3 all flights serving points west of Los Angeles shall serve Japan.

NOTE: The United States Delegation is prepared to entertain from the Italian Delegation suggestions for additional intermediate countries that it wishes to be added on routes 1 and 2 above, and suggestions for additional countries beyond Japan on route 3 above, to provide an additional measure of reasonable flexibility for services on those routes.

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